



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: August 22, 2006

Department: Zoning, Building, and Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: CONSENT: Special Use Permit for a Landscape Contractor's Yard & Wholesale Distribution to include retail distribution of plants and landscape materials, outdoor storage, nursery, caretaker residence, and office (CSU-60021)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the June 7, 2006 public hearing, the County Planning Commission voted (7-0) to recommend approval of the request for an amendment to a Special Use Permit for a Landscape Contractor's Yard & Wholesale Distribution to include retail distribution of plants and landscape materials, outdoor storage, nursery, caretaker residence, and office on Tract A, Lands of Rowlands Plant World, and also on Lots A, B, C, & D, Lands of Estanilao Rosales Jr, SP-85-338, which currently have a Special Use Permit for a Machine Shop on Lots C & D, on the southwest corner of El Pueblo Road and Edith Boulevard, zoned A-1, containing approximately 12.86 acres. The decision was based on the following eight (8) Findings and subject to the following eleven (11) Conditions.

Findings:

1. This request is for an amendment to a Special Use Permit for a Landscape Contractor's Yard & Wholesale Distribution to include retail distribution of plants and landscape materials, outdoor storage, nursery, caretaker residence, and office on Tract A, Lands of Rowlands Plant World, and also on Lots A, B, C, & D, Lands of Estanilao Rosales Jr, SP-85-338, which currently have a Special Use Permit for a Machine Shop on Lots C & D, on the southwest corner of El Pueblo Road and Edith Boulevard, zoned A-1, containing approximately 12.86 acres.
2. This current request is the result of a zoning violation in which the applicant expanded the business onto the adjacent 4 acre property to the south, without the appropriate zoning.
3. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
4. The request is not in significant conflict with the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan in that the proposed nursery activities will be consistent with the "Rural Area" designation.
5. The request is consistent with Resolution 116-86 in that changed neighborhood conditions,

including the expansion of non-residential activities nearby the site, justify the land use change.

6. The request has substantial neighborhood support.
7. This Special Use Permit (CSU-60021) supercedes the three Special Use Permits currently existing on the site (CSU-91-5; CZ-91-5; CSU-80-33).
8. The request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

Conditions:

1. Activities on the site shall be limited to those shown on the site plan with retail activities restricted to the northeasterly two acres.
2. Parking on the site plan shall be modified to accommodate the expanded retail activities that will take place on the site.
3. Lighting shall be site specific. Shielded or cutoff lighting fixtures shall be provided so that no fugitive light crosses into adjacent lots.
4. The residential structure on the site shall be used only as a caretaker's residence and not as an office.
5. There shall be a solid wall at least six-foot high along the property line (north) abutting residential uses which is to be installed within 6 months of the establishment of residential uses.
6. As approved by the Zoning Administrator, there shall be the equivalent of a 20 foot landscape setback along Edith Blvd. and El Pueblo Rd. and the equivalent of a 6 foot wide landscaped buffer between the business and the adjacent residential properties to the south. The landscape buffer shall be installed within six months of the establishment of residential uses.
7. Issues regarding existing well and septic systems on site shall be addressed with the Office of Environmental Health within 3 months of final Board of County Commissioners' approval.
8. Ingress and egress for vehicle use of the 22 foot wide private access and public utility easement serving Lots A through D shall be limited to less than 50 trips per day and to non-commercial passenger-type vehicles. An increase in traffic volume or vehicle size utilizing this easement shall require the easement to be widened and named through the Bernalillo County Subdivision process and to make road improvements as directed by Bernalillo County Public Works Division within six months of the final Board of County Commissioners' approval.
9. Flood plain issues shall be addressed with the Flood Plain Administrator in the Public Works Division, shall be addressed within six months of the final Board of County Commissioners' approval.
10. The Special Use Permit shall be issued for the life of the use.

11. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (June 9, 2006)
2. County Planning Commission Information Packet.
3. Site Plan (Commissioners Only).

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Approval